

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

LAMONT WILSON,

Plaintiff,

vs.

DOLLAR GENERAL CORPORATION,  
DOLGENCORP, LLC, and DOLGEN, LLC,

Defendants.

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Civil Case No.: 4:11-cv-00024

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND IN THE  
ALTERNATIVE, MOTION FOR JUDGMENT ON THE PLEADINGS**

Comes Now, Defendants, Dollar General Corporation, Dolgencorp, LLC and Dolgen, LLC (collectively, "Defendants"), and move the Court for summary judgment and, in the alternative, judgment on the pleadings according to Rules 12(c) and 56 of the Federal Rules of Civil Procedure. In support of their motions, Defendants state as follows:

1. The motions seek complete resolution of the employment discrimination claim brought by Plaintiff. Defendants arguments and authorities are set forth more fully in the separately filed Briefs in Support of Defendants' Motion for Summary Judgment and, in the alternative, Motion for Judgment on the Pleadings.

2. There is no genuine issue of material fact and based upon both the doctrines of judicial estoppel and Plaintiff's failure to meet the definition of a qualified individual with a disability under the Americans with Disabilities Act, Defendants are entitled to summary judgment as a matter of law.

3. Moreover, and in the alternative, Plaintiff has no standing to bring the discrimination claim and therefore the Court has no subject matter jurisdiction which warrants

judgment on the pleadings.

WHEREFORE, for the reasons set forth above, and those set forth in the separately filed briefs, Defendants respectfully request that the Court grant its motions, that Plaintiff's Complaint be dismissed, with prejudice, and that the Court awards Defendants such other relief as is just and proper.

Respectfully submitted,

/s/ Sarah E. Bradbury

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2012 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following who is counsel for the Plaintiff:

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